

1 Pollution Control Agency

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3 Proposed Amendments to Proposed Permanent Rules Relating to  
4 Hazardous Waste and Polychlorinated Biphenyls

5

6 Rules as Amended

7 7045.0484 GROUNDWATER PROTECTION.

8 Subps 1 to 10 [See *State Register*, Volume 14, Number 47,  
9 pages 2695-2710.]

10 Subp. 11. **General groundwater monitoring requirements.**

11 The owner or operator shall comply with the requirements of  
12 items A to J for any groundwater monitoring program developed to  
13 satisfy subpart 12, 13, or 14:

14 A. to G. [See *State Register*, Volume 14, Number 47,  
15 pages 2695-2710.]

16 H. The owner or operator shall specify one of the  
17 following statistical methods to be used in evaluating  
18 groundwater monitoring data for each hazardous constituent  
19 which, upon approval by the commissioner, will be specified in  
20 the facility permit. The statistical test chosen shall be  
21 conducted separately for each hazardous constituent in each  
22 well. Where practical, quantification limits are used in any of  
23 the following statistical procedures to comply with item I,  
24 subitem (5), the practical quantification limits must be  
25 proposed by the owner or operator and approved by the  
26 commissioner. Use of any of the following statistical methods  
27 must be protective of human health and the environment and must  
28 comply with the performance standards outlined in item I.

29 (1) A parametric analysis of variance (ANOVA)  
30 followed by multiple comparisons procedures to identify  
31 statistically significant evidence of contamination. The method  
32 must include estimation and testing of the contrasts between  
33 each compliance well's mean and the background mean levels for  
34 each constituent.

35 (2) An analysis of variance (ANOVA) based on

1 ranks followed by multiple comparisons procedures to identify  
2 statistically significant evidence of contamination. The method  
3 must include estimation and testing of the contrasts between  
4 each compliance well's median and the background median levels  
5 for each constituent.

6 (3) A tolerance or prediction interval procedure  
7 in which an interval for each constituent is established from  
8 the distribution of the background data, and the level of each  
9 constituent in each compliance well is compared to the upper  
10 tolerance or prediction limit.

11 (4) A control chart approach that gives control  
12 limits for each constituent.

13 (5) Another statistical test method submitted by  
14 the owner or operator and approved by the commissioner.

15 I. and J. [See *State Register*, Volume 14, Number 47,  
16 pages 2695-2710.]

17 Subp 12 [See *State Register*, Volume 14, Number 47, pages  
18 2695-2710.]

19 Subp. 13. **Compliance monitoring program.** An owner or  
20 operator required to establish a compliance monitoring program  
21 under this part shall perform the following:

22 A. to C. [See *State Register*, Volume 14, Number 47,  
23 pages 2695-2710.]

24 D. The owner or operator must determine whether there  
25 is statistically significant evidence of increased contamination  
26 for any chemical parameter or hazardous constituent specified in  
27 the permit, under item E A, at a frequency specified under item  
28 F.

29 (1) In determining whether statistically  
30 significant evidence of increased contamination exists, the  
31 owner or operator must use the methods specified in the permit  
32 under subpart 11, item H. The methods must compare data  
33 collected at the compliance points to a concentration limit  
34 developed in accordance with subpart 6.

35 (2) The owner or operator must determine whether  
36 there is statistically significant evidence of increased

1 contamination at each monitoring well at the compliance point  
2 within a reasonable time period after completion of sampling.  
3 The agency will specify that time period in the facility permit,  
4 after considering the complexity of the statistical test and the  
5 availability of laboratory facilities, to perform the analysis  
6 of groundwater samples.

7 E. to K. [See *State Register*, Volume 14, Number 47,  
8 pages 2695-2710.]

9 Subp 14 [See *State Register*, Volume 14, Number 47, pages  
10 2695-2710.]

11 7045.0528 ~~FANKS~~ TANK SYSTEMS.

12 Subpart 1. **Scope.** This part applies to owners and  
13 operators of facilities that use ~~tanks~~ tank systems to treat or  
14 store hazardous waste, except as part 7045.0450, and items A and  
15 B provide otherwise.

16 A. Tank systems that are used to store or treat  
17 hazardous waste that contains no free liquids and are situated  
18 inside a building with an impermeable floor are exempted from  
19 the requirements in subparts 4 and 5. To demonstrate the  
20 absence or presence of free liquids in the stored or treated  
21 waste, EPA Method 9095 (Paint Filter Liquids Test) as described  
22 in "Test Methods for Evaluating Solid Wastes, Physical/Chemical  
23 Methods" (EPA Publication No. SW-846) must be used.

24 B. Tank systems, including sumps, as defined in part  
25 7045.0020, that serve as part of a secondary containment system  
26 to collect or contain releases of hazardous wastes are exempt  
27 from the requirements in subparts 4 and 5.

28 Subps 2 to 11 [See *State Register*, Volume 14, Number 47,  
29 pages 2695-2710.]

30 7045.0628 ~~FANKS~~ TANK SYSTEMS.

31 Subpart 1. **Scope.** This part applies to owners and  
32 operators of facilities that use ~~tanks~~ tank systems to treat or  
33 store hazardous waste, except as items A and B and part  
34 7045.0552 provide otherwise.

35 A. Tank systems that are used to store or treat

1 hazardous waste containing no free liquids and that are located  
2 inside a building with an impermeable floor are exempt from the  
3 requirements of subparts 4 and 5. To demonstrate the absence or  
4 presence of free liquids in the stored or treated waste, EPA  
5 Method 9095 (Paint Filter Liquids Test) as described in "Test  
6 Methods for Evaluating Solid Wastes, Physical/Chemical Methods"  
7 (EPA Publication No. SW-846) must be used.

8           B. Tank systems, including sumps, as defined in part  
9 7045.0020 that serve as part of a secondary containment system  
10 to collect or contain releases of hazardous wastes are exempted  
11 from the requirements in subparts 4 and 5.

12           Subps 2 to 12 [See *State Register*, Volume 14, Number 47,  
13 pages 2695-2710.]